

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Marisa Alexandria Lyles,	)	
	)	
Plaintiff,	)	Civil Action No. 1:14-2042-RMG
	)	
vs.	)	
	)	
Carolyn W. Colvin, Commissioner of Social Security,	)	<b>ORDER</b>
	)	
Defendant.	)	
	)	
	)	
	)	

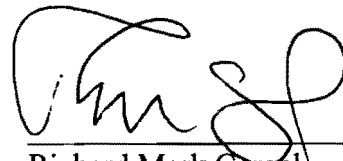
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This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on April 7, 2015 recommending that the decision of the Commissioner be reversed and remanded to the agency. (Dkt. No. 14). The Magistrate Judge concluded that the Administrative Law Judge ("ALJ") failed to consider the third prong of Listing 12.05, which requires a showing of an additional impairment that imposed additional and significant work related limitations on function. (Dkt. No. 14 at 19-26). The Magistrate Judge further found that the hypothetical question posed to the vocational expert failed to include all of the evidence in the record and to set forth fairly all of Plaintiff's impairments. (*Id.* at 27-29). The Commissioner has filed a reply to the R & R indicating that she does not intend to file any objections to the recommendations of the Magistrate Judge. (Dkt. No.

16).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
April 28, 2015